

# **FIRST DIVISION**

**[ G.R. No. 220868, June 15, 2020 ]**

**REPUBLIC OF THE PHILIPPINES, PETITIONER, vs. SPOUSES  
REYNALDO DELA CRUZ AND LORETTO U. DELA CRUZ,  
RESPONDENTS.**

## **RESOLUTION**

**REYES, J. JR., J.:**

In this Petition for Review on Certiorari,<sup>[1]</sup> the Republic of the Philippines (petitioner), through the Office of the Solicitor General (OSG) assails the Decision<sup>[2]</sup> dated September 24, 2014 and the Resolution<sup>[3]</sup> dated October 5, 2015 of the Court of Appeals (CA) in CA-G.R. CV No. 96427, which affirmed the ruling of the Municipal Trial Court of Los Baños, Laguna (MTC).

### **The Relevant Antecedents**

The case stemmed from a petition for application for land registration covering Lot 7001, Cad. 450 (subject land) with an area of 404 square meters filed by the spouses Reynaldo and Loretto dela Cruz (respondents). In said petition, they claimed that the subject land formed part of the alienable and disposable land of public domain and that they have been in an open, public, notorious and continuous possession thereof for more than 34 years.<sup>[4]</sup>

To reinforce their claim, respondents presented the following witnesses:

Reynaldo dela Cruz (Reynaldo) narrated that they bought the subject land from Flordeliza Delos Reyes (Delos Reyes) through a Deed of Absolute Sale in 1981 and that tax declarations were issued, the earliest of which was in 1969 as regards the subject land. After the sale, they began occupying the same and started planting trees; and since then, they have been in possession of the same for more than 34 years.<sup>[5]</sup>

Delos Reyes corroborated the testimony of Reynaldo as to the sale of the subject land. She testified that she was in occupation of the subject land since the 1960s after she inherited the same from her parents.<sup>[6]</sup>

Rosenda Visperas, Alexandrina Arguellas, and Salvacion Torrit testified that they knew respondents as buyers of the subject land.<sup>[7]</sup>

Rodolfo Gonzales, Special Investigator of the Department of Environment and Natural Resources (DENR) Community Environment and Natural Resources Office (CENRO) of Los Baños, Laguna, maintained that the subject land is alienable and

disposable portion of the Municipality and can be disposed of.<sup>[8]</sup>

Petitioner, on the other hand, did not present any evidence to rebut the evidence presented by respondents.<sup>[9]</sup>

In a Decision<sup>[10]</sup> dated August 12, 2010, the MTC declared the subject land to be alienable and disposable land in view of the compliance of respondents with the requirements under Section 14(1) of Presidential Decree (P.D.) No. 1529 such as the testimony of the Special Investigator, CENRO Report, and their possession of the subject land in an open, continuous, exclusive, and notorious manner in the concept of an owner prior to June 12, 1945. The *fallo* thereof reads:

WHEREFORE, in view of the foregoing, the Court hereby CONFIRMS and ORDERS the registration of title over the subject parcel of land in favor of the applicants.

After this decision shall have been become final and [executory], let the corresponding Decree over Lot [7001,] Cad 450, Los [Baños] Cadastre Ap-04-006799 be issued in the names of Spouses Reynaldo Dela Cruz and Loretto U. Dela Cruz, both of legal age, Filipinos, residing at Valley Drive, Marymount Village, Brgy. Anos, Los [Baños], Laguna subject to the payment of proper fees.

Let copies of this Decision be furnished the following concerned offices: the Office of the Solicitor General (OSG), 134 Amorsolo St. Legaspi Village, Makati City; the Land Registration Authority (LRA), East Avenue, Quezon City; the Lands Management Bureau (LMB), Binondo, Manila; the Community Environment and Natural Resources Office (CENRO), Los [Baños], Laguna; the Regional Executive Director, DENR Region IV, 1515 Roxas Blvd., Ermita, Manila; the Register of Deeds, Calamba City; the applicants; and the adjoining owners.

SO ORDERED.<sup>[11]</sup>

Petitioner filed a Motion for Reconsideration,<sup>[12]</sup> which was denied for lack of merit in an Order<sup>[13]</sup> dated January 5, 2011.

While the MTC ruling was based on the application of Section 14(1) of P.D. No. 1529, petitioner took a different stance on its appeal. The petitioner argued that respondents' application falls under Section 14(2) of P.D. No. 1529. As such, an express government manifestation that the subject land is already patrimonial or no longer retained for public use, public service, or the development of national wealth is necessary for the prescriptive period for acquisition begin to run.<sup>[14]</sup>

However, respondents filed a Motion to Withdraw Case,<sup>[15]</sup> averring that they opted to withdraw their application for registration for land titling considering that they have already incurred legal expenses and the long and tedious legal process which they have to go through only to obtain a title for a small area of land.

Nevertheless, in a Decision<sup>[16]</sup> dated September 24, 2014, the CA denied the appeal and affirmed *in toto* the ruling of the MTC. The CA maintained that respondents were able to establish that the subject land formed part of the disposable and alienable lands of the public domain; and that they and their predecessors-in-interest have been in open, continuous, exclusive, and notorious possession of the same under a *bona fide* claim of ownership since June 12, 1945 or earlier under Section 14(1) of P.D. No. 1529. Thus:

WHEREFORE, in view of the foregoing, the instant Appeal is DENIED. The assailed Decision of the Municipal Trial Court (MTC), Fourth Judicial Region, Los Baños, Laguna dated 12 August 2010, in LRC Case No. 08-2003 is hereby AFFIRMED *in toto*.

SO ORDERED.<sup>[17]</sup>

Petitioner filed this instant petition, alleging that the application for land registration filed by respondents falls under Section 14(2) of the same law in view of their averment as regards their possession of the subject land since 1969 evidenced by a tax declaration, and not since June 12, 1945 or earlier as required by Section 14(1) of P.D. No. 1529.

### **The Issue**

Whether or not the registration of the subject land is proper.

### **The Court's Ruling**

Application for registration of both public and private lands is governed by P.D. No. 1529, to wit:

SEC. 14. Who may apply. The following persons may file in the proper Court of First Instance an application for registration of title to land, whether personally or through their duly authorized representatives:

(1) Those who by themselves or through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of alienable and disposable lands of the public domain under a [*bona fide*] claim of ownership since June 12, 1945, or earlier.

(2) Those who have acquired ownership of private lands by prescription under the provision of existing laws.

In sum, Section 14(1) of P.D. No. 1529 is based on possession and occupation of the alienable and disposable land of public domain since June 12, 1945 or earlier